

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

NATHAN WENBERG,

Plaintiff,

vs.

P. DELVILLAR, et al.,

Defendants.

Case No: C 13-1951 SBA

**ORDER ACCEPTING REPORT
AND RECOMMENDATION OF
MAGISTRATE JUDGE**

The Court previously referred Defendant's Motion to Enforce Settlement Agreement to Magistrate Judge Nandor Vadas ("the Magistrate"). On January 22, 2016, the Magistrate issued his report and recommendation in which he recommended granting the motion. Dkt. 81. As noted in the report and recommendation, any objections to a report and recommendation must be filed within fourteen days of receipt thereof. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); Civ. L.R. 72-2, 72-3. The district court must "make a de novo determination of those portions of the report to which objection is made," and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); see also Civ. L.R. 72-3(a) (requiring that any objections be accompanied by a motion for de novo determination).

The deadline to file an objection to the report and recommendation was February 5, 2016. See Fed. R. Civ. P. 6(a)(1), 72(b). To date, no objections have been filed in this case. In the absence of a timely objection, the Court "need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72, advisory committee notes (1983) (citing Campbell v. U.S. Dist. Court, 501 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("The statute [28 U.S.C. § 636(b)(1)(C)] makes it clear that the district

1 judge must review the magistrate judge's findings and recommendations de novo *if [an]*
2 *objection is made*, but not otherwise."). The Court has reviewed the record on its face and
3 finds no clear error. Accordingly,

4 IT IS HEREBY ORDERED THAT the magistrate judge's report and
5 recommendation (Docket 81) is ACCEPTED and shall become the Order of this Court.
6 Plaintiff is ordered to sign the settlement agreement and release, the stipulation of voluntary
7 dismissal, and to complete the payee data form, in order to effectuate the settlement. This
8 Order terminates Docket 75, 76 and 81. Pursuant to the settlement, this action and all
9 claims asserted herein are DISMISSED with prejudice. In the event that the settlement is
10 not finalized, any party may move to reopen the case and the trial will be rescheduled,
11 provided that such motion is filed within 180 days of this order.

12 IT IS SO ORDERED.

13 Dated: 2/16/16


SAUNDRA BROWN ARMSTRONG
Senior United States District Judge